

REMARKS

Status of the Application

Claims 1-10 are the claims that have been examined in the pending application. Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for all parameters within the scope claimed. Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of the specification. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of Bayart (U.S. Patent No. 2001/0022884). Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of article Saleh. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of article Rottwitt. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of Araujo (U.S. Patent No. 3,784,386).

Claims 11-13 are hereby canceled, without prejudice or disclaimer, from the present application.

Preliminary Matters

Applicant thanks the Examiner for considering the references filed with the Information Disclosure Statement filed on March 3, 2004. Applicant also thanks the Examiner for accepting the drawings filed on March 3, 2004. Applicant further thanks the Examiner for acknowledging

the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Claim Rejections under 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for all parameters within the scope claimed.

The Examiner argues that “[t]he claims are replete with open-ended ranges. While case law has resolved many issues of definiteness with regard to ranges, an open ended range is rarely enabled to the extent claimed by the applicant, and as such conflicts with the enablement requirement of 35 U.S.C. § 112, first paragraph.” However, the Examiner has provided no tangible support for this assertion. In making a rejection based on case law, as the Examiner appears to be doing here, citation to that case law is necessary for Applicant to properly address the rejection. Because the Examiner has not presented a *prima facie* case for rejection claims 1-10 under 35 U.S.C. § 112, first paragraph, claims 1-10 are patentable as written.

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The informalities noted by the Examiner have been corrected. Thus, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al.

Claim 1 recites, in part, “a multimode core surrounding the single-mode core and containing a doped layer, having a certain concentration of active rare earth ions, the fiber being suitable, because of the active rare earth ions, for amplifying an optical signal for injection into the amplifying fiber...” The Examiner argues that Fig. 1 of Lee teaches or suggests all of the aspects of claim 1. Fig. 1 of Lee shows the geometry of a coaxial-core erbium-doped fiber amplifier (EDFA). The center core of the EDFA in Lee contains erbium dopant. However, Lee fails to disclose a ring layer which is doped. Claim 1 requires that the erbium doping is contained within a layer outside the single-mode core; the erbium dopants are contained within a ring layer of the multimode core. Lee only teaches the erbium doping of the center core.

Further, Lee’s EDFA only shows a center core and a ring core. Claim 1 requires a multimode core which contains a “doped ring.” Lee does not show the ring core as being a portion of a multimode core, it shows the ring core standing alone. Thus, Lee fails to teach all of the elements of claim 1. Claim 1 is patentable over the applied art.

Claim 2 is patentable at least by virtue of its dependency from claim 1.

Claim Rejection under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of the specification.

Claim 5 is dependent from claim 1. Because Lee fails to disclose all of the elements of claim 1, and because the specification fails to cure the deficiencies in Lee, claim 5 is patentable at least by virtue of its dependency from claim 1.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of Bayart (U.S. Patent No. 2001/0022884).

Claim 6 is dependent from claim 1. Because Lee fails to disclose all of the elements of claim 1, and because Bayart fails to cure the deficiencies in Lee, claim 6 is patentable at least by virtue of its dependency from claim 1.

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of article Saleh.

Claims 7 and 8 are dependent from claim 1. Because Lee fails to disclose all of the elements of claim 1, and because Saleh fails to cure the deficiencies in Lee, claims 7 and 8 are patentable at least by virtue of their dependency from claim 1.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of article Rottwitt.

Claim 9 is dependent from claim 1. Because Lee fails to disclose all of the elements of claim 1, and because Rottwitt fails to cure the deficiencies in Lee, claim 9 is patentable at least by virtue of its dependency from claim 1.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and further in view of Araujo (U.S. Patent No. 3,784,386).

Claim 10 is dependent from claim 1. Because Lee fails to disclose all of the elements of claim 1, and because Araujo fails to cure the deficiencies in Lee, claim 10 is patentable at least by virtue of its dependency from claim 1.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/791,382

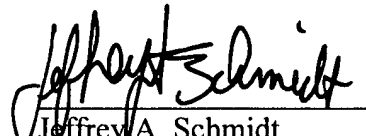
Attorney Docket No. Q79968

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 21, 2006